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PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40 834.%.sev	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/001999	International filing date (day/month/year) 27 February 2003 (27.02.2003)	Priority date (day/month/year) 06 April 2002 (06.04.2002)
International Patent Classification (IPC) or national classification and IPC B21B 45/02, 39/14		
Applicant SMS DEMAG AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21 October 2003 (21.10.2003)	Date of completion of this report 06 July 2004 (06.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/001999

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages 1,3-7, as originally filed
pages _____, filed with the demand
pages 2,2a, filed with the letter of 14 April 2004 (14.04.2004)
- ☒ the claims:
pages 3-15, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages 1,2, filed with the letter of 14 April 2004 (14.04.2004)
- ☒ the drawings:
pages 1/6-6/6, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-15	YES
	Claims		NO
Inventive step (IS)	Claims	2-15	YES
	Claims	1	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations

1. This report refers to the following documents:

D1: DE-A-198 43 038

D2: JP-A-06212278

D3: JP-A-11226625

2. The present invention does not meet the requirements of PCT Article 33 because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).

The amendments and arguments submitted with the letter of 14 April 2004 are inadequate for the reasons given below.

3. Document D1, which is taken to be the closest prior art, discloses a device from which the subject matter of claim 1 differs only in that the rollers of the roller table has elongate journals of small diameter.

However, this feature was used for the same purpose in a similar device - cf. document D3, especially

figure 3 (and 1), where the elongate journals are clearly depicted. To achieve the same purpose in a device according to D1 a person skilled in the art can readily apply this feature to the subject of D1 to like effect. He would then, without inventive input, arrive at the subject of claim 1. The subject of claim 1 therefore does not involve an inventive step (PCT Article 33(3)).

The characterizing features "that the rollers of the roller table are arranged with the narrowest possible spacing between them, the lower cooling bars are arranged under the spaces between the rollers, and that the spray tubes associated with them reach through these spaces" are also known already from document D2 (cf. especially figures 2 and 4). It should also be pointed out that "narrowest possible" is a relative term and - if need be - can also mean relatively widely apart.

4. The combination of features in dependent claims 2 to 4 is neither disclosed nor suggested by the relevant prior art. An independent claim that combined the features of the current claims 1 to 4 would meet the PCT requirements for novelty and inventive step (PCT Article 33(2) and (3)).

Claims 5 to 15 could be appended to such an independent claim and thus also meet the PCT requirements in respect of novelty and inventive step.

5. Industrial applicability in the steel industry is obvious.

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Further Observations:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D3, nor does it indicate the relevant prior art disclosed therein. The acknowledgement of documents D1 and D2 is insufficient with regard to the subject matter of the independent claim.